

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated April 23, 2009 has been received and its contents carefully reviewed.

Claims 1-17 are hereby canceled without prejudice or disclaimer of the subject matter contained therein. Claims 18-33 are hereby added. No new matter has been added. Accordingly, claims 18-33 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office objects to claims 12, 14, and 17 because of informalities.** *Office Action* at p. 2. Claims 12, 14, and 17 are cancelled herein, accordingly the objection to these claims are moot. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 12, 14, and 17.

**The Office rejects claims 16 under 35 U.S.C. § 112, second paragraph, as being indefinite.** *Office Action* at p. 2. Claim 16 is cancelled herein, accordingly the rejection to this claim is moot. Thus, Applicant respectfully requests the Office to withdraw the rejection of claims 16 under 35 U.S.C. § 112, second paragraph.

**The Office rejects claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,620,014 to Milocco et al. (hereinafter "Milocco").** *Office Action* at p. 3. Claims 1-17 are canceled herein, accordingly the rejections of those claims are moot. Thus, Applicant respectfully requests the Office to withdraw the rejection of claims 1-17 under 35 U.S.C. § 102(b).

**Newly added claims 18-33.**

Newly added independent claim 18, recites, among other features, "a sump housing which is coupled to a bottom of the tub to store washing water, the sump housing including a heater receiving portion...a washing pump placed within the sump housing... a pump case, whole part of which being accommodated within the heater receiving portion; and... a heater disposed in the heater receiving portion," and as such is allowable for at least the following reasons. (Emphasis added).

The washing pump 8 and driving motor 17 of *Milocco* is mounted to an outer surface of sump casing/housing 5 as illustrated in FIG. 1. *Milocco* at col. 2, ll. 12-29 & FIG. 1. Thus, *Milocco* does not disclose, at least, “a washing pump placed within the sump housing,” as recited in claim 18.

The dishwashing machine of *Milocco*, “includes a washing tank 3, which is...provided with a bottom 4 having a lower portion defining a water collection sump 5” having a casing 10 which houses heating element 11 wherein, “the casing 10 is arranged inside the washing tank 3 in such a manner that, through at least a part of its surface, the heating element 11 is in a heat-exchange relationship with the inside of the washing tank and the water that falls back and collects into the sump 5...the casing 10 is situated at the bottom 4 of the washing tank.” *Milocco* at col. 2, ll. 12-45. Hence, the heating element 11 is located within the casing 10 which is located at the bottom 4 of the washing tank not the water collection sump 5. See *id.* Thus, *Milocco* does not disclose, at least, a “sump housing including a heater receiving portion...a heater disposed in the heater receiving portion,” as recited in claim 18.

It stands to reason that claims 19-24, which depend from independent claim 18, are also patentably distinguishable for at least the same reasons.

Newly added independent claim 25, recites, among other features, “a heater disposed in the sump housing; a shaft of the motor passes through the bottom surface of the sump housing and is connected to the washing pump... wherein the water collected within the sump housing is supplied to at least the lower nozzle after being directly heated by contacting the heater,” and as such is allowable for at least the following reasons. (Emphasis added).

As illustrated in FIG. 1 of *Milocco*, the driving motor 17 is attached to recirculation pump 8. *Milocco* at FIG. 1. However, nowhere does *Milocco* disclose, at least, “a shaft of the motor passes through the bottom surface of the sump housing and is connected to the washing pump,” as recited in claim 25.

As discussed above, heating element 11 is located within casing 10 which is located at the bottom 4 of the washing tank and not the water collection sump 5. *Milocco* at col. 2, ll. 12-45. Thus, *Milocco* does not disclose, at least, “a heater disposed in the sump housing...the water collected within the sump housing is... directly heated by contacting the heater,” as recited in

claim 25.

It stands to reason that claims 26-33, which depend from independent claim 25, are also patentably distinguishable for at least the same reasons.

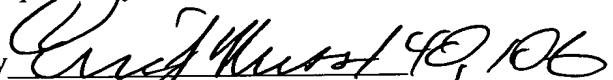
Furthermore, Applicant respectfully asserts that U.S. Patent Publication No. 2006/0054201 to Yoon et al. (hereinafter "*Yoon*") does not qualify as prior art under 35 U.S.C. § 102(e), as Yoon's earliest priority date is April 11, 2005. In contrast, Applicant claims a priority date of June 24, 2004. Accordingly, the Office's reliance on *Yoon* as a cited reference is inappropriate and is in error.

### **CONCLUSION**

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By 

**Yong S. Choi**

Registration No.: 43,324

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant